

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

OCTOBER 29, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Welp called the meeting to order at 9:00 a.m. in the Professional Licensing Agency, Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Ralph Welp, D.V.M. – Chairman
Richard Headley, D.V.M.
Patricia Kovach, D.V.M.
Dawn Frank, D.V.M. – Vice Chairman
Susan Pedigo, R.V.T.

Board Members Absent:

Robin Waltz, D.V.M.
Frank Andrew, Consumer Member
Brett Marsh, D.V.M., State Veterinarian

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Phillip Thompson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

HEADLEY/KOVACH
Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE JULY 23, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the July 23, 2008 meeting of the Board.

HEADLEY/KOVACH
Motion carried 5-0-0

IV. PERSONAL APPEARANCES

1. Peggy Villanueva, D.V.M. and Mindy Moody, R.V.T.

Dr. Villanueva appeared before the Board to discuss the Indiana Horse Rescue. Ms. Moody was not present. Dr. Villanueva is the Program Manager for the Veterinary Technician Institute with International Business College and she was

interested in finding a horse rescue where she could expose her students to large animals. Dr. Villanueva arranged a meeting with Anthony Caldwell of Indiana Horse Rescue (IHR) and although he was willing to allow her students access to his farm but several things he discussed with her caused Dr. Villanueva concern. She told the Board Mr. Caldwell said the organization was run by retired police officers and troopers and they are armed at all times. He made it explicitly clear that there are two groups of horses at IHR. One group is horses that are confiscated by the Sheriff's Department and those horses are seen by veterinarians. The other group is horses he rescues and therefore now owns and he claims he treats them himself. Mr. Caldwell stated to her that he does not like working with veterinarians and he knows more than they do. He claims that he performs his own surgeries and does research for a pharmaceutical company which means he has drugs that a regular veterinarian does not have. Dr. Villanueva was not sure if he is registered with the USDA in order to perform research using experimental drugs. She said Mr. Caldwell showed her pictures of an experiment he conducted where he had re-grown his own fingertip after it had been bitten off. Dr. Villanueva she wanted to bring this to the Board's attention to see if he can be investigated in any way to determine the well-being of the animals and the legitimacy of his operation. She is concerned that people turn over their horses to IHR expecting they are being rescued not knowing they will be guinea pigs for experiments. The Board explained they do not have jurisdiction over Mr. Caldwell because he is not a licensed veterinarian nor do they have jurisdiction over Indiana Horse Rescue. They stated that it would be up to the local prosecuting attorney to conduct an investigation and file charges possibly for animal cruelty or practicing veterinary medicine without a license. They also advised that the USDA could be notified for possible federal action to be taken if he is not properly regulated through them. The Board asked Board Director, Ms. Vaught to file a complaint with the Attorney General's Office to pursue the possibility that licensed veterinarians that help him may be giving him controlled substances. The Board let Dr. Villanueva know they are aware of Mr. Caldwell and his operation and they appreciated her coming to discuss her concerns but they are limited in what they can do.

V. APPEARANCES

A. RENEWAL

There were no renewal appearances

B. PROBATIONARY

There were no probationary appearances

C. APPLICATIONS

1. James R. Stepusin, D.V.M.

Dr. Stepusin appeared before the Board, as requested, regarding his application for veterinary licensure. On his application he answered "yes" to question #5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Dr. Stepusin explained that in October 1994 during his freshman year at the University of Kentucky he was charged with misdemeanor alcohol intoxication in a public place and misdemeanor minor in possession of alcohol. He completed forty (40) hours of community service and the charges were dismissed. He also stated that in

November 1995 during his sophomore year he was charged with misdemeanor unauthorized use of property for sneaking into the basketball arena at Miami University in Oxford, Ohio with a group of friends. The charges were dismissed after he completed forty (40) hours of community service. Dr. Stepusin has had no issues since that time.

Board Action: A motion was made and seconded to grant Dr. Stepusin an Indiana veterinary license upon passing the law exam.

HEADLEY/FRANK
Motion carried 5-0-0

VI. PERSONAL APPEARANCE

1. **Tony Rumschlag, D.V.M., President, John Schnarr, D.V.M., Board of Directors and Lisa Perius, Executive Director**
Indiana Veterinary Medical Association

A presentation was made to the Board explaining the proposed program for impaired veterinarians who need treatment for substance abuse and dependency. This is based on the new statutory provision of IC 25-38.1-5. They explained that if a veterinarian voluntarily commits to the program and succeeds then he/she can keep their license without any action being taken against them by the Board. If the veterinarian fails to succeed then action may be taken by the Board. IVMA told the Board they will pay for the contract with the organization but want to be sure the Board will use and accept the program. The Board stated they are in favor of the program and would use it but they would like to see certain reports from the organization in order for the Board to determine the program's effectiveness. The IVMA noted that because of the cost they would not be able to include registered veterinary technicians but if the veterinary technician association wanted to be a part of this they can contact the IVMA to discuss it.

Board Action: A motion was made and seconded to approve the proposal of IVMA to enter into an agreement and to move forward with a contractual agreement with a wellness organization.

FRANK/KOVACH
Motion carried 5-0-0

VII. ADMINISTRATIVE HEARING

1. **Michelle M. Sweet, D.V.M., License No. 24003630A**
Administrative Cause No. 2008 VB 0001
Re: Petition for Review of the Petitioner's Notice of Noncompliance with the Continuing Education Audit

Parties and Counsel Present:

Respondent was present and was not represented by Counsel
The State of Indiana was not represented
Sherri Rutledge, Court Reporter

Participating Board Members:

Dr. Welp (Hearing Officer)

Dr. Frank
Dr. Headley
Dr. Kovach
Ms. Pedigo

Case Summary: The Respondent was chosen in a random audit of continuing education for the biennium of October 15, 2005 to October 15, 2007. Respondent was asked to submit proof of completion of forty (40) hours of continuing education. Respondent submitted proof of fourteen (14) hours of continuing education that were acceptable and was therefore sent a letter of noncompliance. Dr. Sweet submitted a petition for review of the Board's determination that she was not in compliance with the audit. The Respondent entered into evidence Exhibit "A" which were copies of continuing education certificates not previously submitted to the Board during the audit. The Board accepted these certificates totaling twenty-five (25) hours. It was concluded that Respondent is still short one (1) hour of continuing education.

Board Action: A motion was made and seconded to order the Respondent to pay a Civil Penalty in the amount of five hundred dollars (\$500.00) within twenty-one (21) days and make-up the one (1) hour within six (6) months.

HEADLEY/FRANK
Motion carried 5-0-0

VIII. SETTLEMENT AGREEMENTS

There were no settlement agreements.

IX. NOTICE OF PROPOSED DEFAULT

There was no Notice of Proposed Default before the Board.

X. DISCUSSION

- A. Terry Brandenburg, D.V.M. and Jason Herrmann, D.V.M.**
Mobile Veterinary Care
Re: Home Euthanasia

The Board reviewed a letter written to them asking for clarification of the laws to answer specific questions they have regarding euthanasia services being performed by the registered veterinary technician in their mobile practice. The Board asked Ms. Vaught to write them a letter explaining the Board does not render advisory opinions.

- B. John R. Boyce, D.V.M., Executive Director**
National Board of Veterinary Medical Examiners
Re: NAVLE Retakes

The Board reviewed a letter inquiring if states will license an applicant who has attempted the NAVLE in another state more times than their law allows. The NBVME policy is a candidate may not sit for the NAVLE more than five (5) times and may not sit for the examination at a date that is later than five (5) years after a candidate's initial attempt. Ms. Vaught reminded the Board that Indiana has

restricted NAVLE candidates to three (3) attempts before they are required to get more education. The Board had some discussion about whether or not they will make a rule to address examination or endorsement applicants for a license who have attempted the NAVLE more than three (3) times.

C. National Board of Veterinary Medication Examiners

The Board took notice of the NBVME quarterly newsletter.

**D. Sarah R. Maguffee
HUSCH BLACKWELL SANDERS, LLP**

Re: Request for Interpretation; Blood Test to Determine Pregnancy Status

The Board revisited the letter that was tabled from the July 23, 2008 meeting asking for their opinion about whether certain actions would constitute the practice of veterinary medicine in the state of Indiana. The Board instructed Ms. Vaught to write a letter explaining the Board does not render advisory opinions.

E. Continuing Education Audit for Veterinarians and Veterinary Technicians

Ms. Vaught updated the Board on the final results of the continuing education audit. One veterinarian's license has been suspended and one veterinary technician's registration has been suspended. There are five other practitioners who have paid the civil penalty and must complete the continuing education they were deficient.

IX. APPLICATION REVIEW

A. Endorsement

There were no endorsement applications for the Board to review.

B. Examination

There were no examination applications for the Board to review.

C. North American Veterinary Licensing Examination (NAVLE)

There were no NAVLE applications for the Board to review

D. Professional Corporation

There were no professional corporation applications for the Board to review

X. PROBATIONARY REPORT

1. Rachel Clark, D.V.M.

Ms. Vaught advised the Board that Dr. Clark is in compliance with her probation order but is still not working as a veterinarian because she has not found a veterinarian supervisor. Ms. Vaught spoke with Dr. Clark's counselor who has seen her twice and is still making a determination about what type of program would be most beneficial to Dr. Clark. Dr. Clark is scheduled to appear on December 3, 2008 for her first probationary appearance.

2. Carol Dartz, D.V.M.

Ms. Vaught reported that Dr. Dartz is in compliance and is scheduled to appear at the January 28, 2009 meeting.

3. Todd Cooney, D.V.M.

Ms. Vaught reported that Dr. Cooney has not submitted his ports from his counselor and supervisor. His next appearance is scheduled for December 3, 2008.

XI. CONTINUING EDUCATION

A. Pfizer Animal Health

Reemergence of Canine Leptospirosis
Bloomington, Indiana
August 14, 2008
Hours Granted: 1.5

B. Nature's Way Animal Rescue & Rehabilitation, Inc.

Developing an Animal Emergency Response Team
Bloomington, Indiana
August 14, 2008
Hours Granted: Denied by motion and second.
FRANK/KOVACH
Motion carried 5-0-0

C. Hill's Pet Nutrition

Veterinary Technical Nutritional Counselor Program
Richmond, Indiana
November 20, 2008
Hours Granted: 5

XII. REPORTS

A. Consumer Complaints

Dr. Waltz was not present to give a report.

B. Controlled Substances Advisory Committee- Dr. Kovach

- Harlan-Sprague Dawley is a company that supplies rodents to research facilities and the applied for a CSR. Dr. Kovach inquired about supervision and veterinarians being involved. The company did hire a veterinarian but there is an exemption in the law for research facilities.
- Stacy VanHorn, D.V.M. applied for a CSR and had a positive response on his application. CSAC's decision was tabled pending further information.
- They discussed an anesthesiologist who is using Ketamine on human patients. Although Ketamine is not labeled for human use he is allowed to use it.

C. State Veterinarian's Report

Dr. Marsh was not present to give a report.

XIII. OLD/NEW BUSINESS

There was no old/new business.

XVI. OTHER ITEMS FOR CONSIDERATION

There were no other items for consideration.

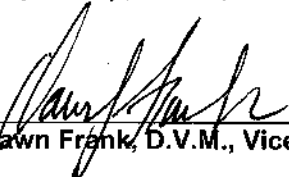
XVII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 12:00 p.m.



Ralph Welp, D.V.M., Chairman

12-3-08
Date



Dawn Frank, D.V.M., Vice Chairman

12.3.08
Date